

### REMARKS

Applicant thanks the Examiner for the allowance of claim 42 and for the indication of allowable subject matter in claims 4-11, 17, 18, 20-23, and 44-47. Applicant has amended the application accordingly, putting the allowable claims in condition for allowance.

Further, the only rejection of claims 12-16, 19, 25-27, 29, 32-41, and 48 is a provisional rejection under the judicially created doctrine of obviousness-type double patenting over claims 1-17, 20-26, 35-36, and 38 of copending Application No. 10/657,243. Applicant has executed a terminal disclaimer as explained below to address the provisional double patenting rejection. Further, Applicant has amended claims 12, 14, 16, 19, 25, 29, 32, and 48 of the present application to be independent claims, and claims 13, 15, 26, 27, and 33-41 are dependent on one of these amended claims.

In sum, Applicant has cancelled claims 1-3, 24, 28, 30-31, 43, 49, 51-59, and 63-65; amended claims 4, 12, 14, 16, 19, 21, 25, 29, 32, 44, and 48; and has not added any claims.

Claims 1-3, 24, 28, 30-31, 43, 49, 51-59, and 63-65 stand rejected under either 35 U.S.C. § 102(b), § 102(e), or § 103(a). In light of the cancellation of all of these claims, these rejections are moot.

Claims 1-2, 12-16, 19, 24-29, 32-41, 43, and 48-49 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting. If the provisional double patenting rejection matures into an actual double patenting rejection, Applicant submits that the attached terminal disclaimer obviates an actual double patenting rejection.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because Applicant has put the application in condition for allowance to expedite prosecution, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify

Applicant : Keren O. Perlmutter et al.  
Serial No. : 10/657,138  
Filed : September 9, 2003  
Page : 14 of 14

Attorney's Docket No.: 16406-005001 / Home Networking 11


concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

Applicant submitted an Information Disclosure Statement and Form PTO-1449 on November 12, 2004, and requests that the Examiner initial the references on the page of the Form PTO-1449 and return the 1449 to Applicant.

Enclosed is a \$1,200 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 15, 2005

  
\_\_\_\_\_  
Brian J. Dorini  
Reg. No. 43,594

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331